

REMARKS

Claims 26-31 were rejected as being obvious over US Patent 6,599,259 to Muir in view of US Patent 6,100,874 to Schena, and further in view of US Patent Application 2005/0105262 to Chen. This rejection is respectfully traversed.

The salient features of the invention are:

1) a mouse with a massaging feature

This allows a user's hand to be massaged while he or she is using the mouse. The user is not required to move the mouse to receive massage (as is in the embodiment in Muir described in column 4 at lines 24-30). The user is not required to turn on a switch (as in activation of the switch 12 shown in Muir). Rather, all that the user needs to do is to have his or her hand resting on the mouse over the massage element.

2) a cover which is attachable to and removable from the housing which, when attached, covers the massage mechanism

The cover should not be dismissed as an unimportant item of the invention. Base claim 26 requires an attachable and removable cover which, when attached to the housing, covers the massage mechanism. This allows the user to use the mouse in the normal way without being in contact with the massage mechanism. In Muir, even if the switch 12 is deactivated, the user rests his or her hand directly on the contact members 24 (see Figure 2). Such a configuration would not be comfortable to a user that has his or her hand on a mouse for extended periods of time.

Figures 1-3 of Chen show a sheath for a mouse. As explained in Chen, the sheath provides the mouse with a stylish color scheme and outline, as well as provides some protection of buttons from contamination. Each of the designs shown in Figures 1-3 of Chen, if placed on the Muir mouse would NOT cover the massage feature of Muir. This is because they are designed to highlight the edges of the mouse. Furthermore, the Chen sheath does not contemplate a cover which itself performs a function such as separating a user's hand from a massage feature. Quite the contrary.

Chen contemplates the user being able to push buttons on the mouse by pushing on the edges of the sheath.

Thus, one of ordinary skill in the art viewing both Muir and Chen would not envision a mouse with a massage feature which included a selectively detachable cover specifically designed to cover the massage feature.

3) a light sensor which senses the user's hand or the cover, and, if present allows the massage feature to operate, and, if not present, turns off the massage feature.

Schena discloses a deadman's switch in column 29 (referenced in the office action). As is well recognized, a deadman's switch is used on a variety of pieces of equipment to assure a person is present for the equipment to operate. For example, many lawn mowers have a deadman's switch to turn off the blades when a person is not gripping the handle. As is explained in Schena, the deadman's switch is for "safety". It is not intended as a mechanism for selectively actuating a device such as a massaging element. Rather, it is intended to turn a device off when the person's hand is not present. Furthermore, the deadman's switch is not intended to be defeated (e.g., a user of a lawn mower might tie the mechanical dead mans switch to keep the blades rotating at all times—however, this is a dangerous practice and defeats the very purpose of the deadman's switch). In sharp contrast, the present invention contemplates being able to cover the light source with "a cover" in order to allow the use of the mouse to operate the mouse without having a massage. This type of element (a "cover"), if used on the Schena device would defeat the safety features of the deadman's switch. One of ordinary skill in the art would not conclude that the light sensor of Schena is like a selective actuator that can be covered by a cover or not covered (e.g., the sheath over Chen). Rather, one of ordinary skill in the art would view Schena as teaching a well known common element, "a safety or deadman's switch", whose function is to prevent operation of equipment if a person's hand is not present.

In summary, Muir teaches a mouse with a massaging feature. It appears to offer advantages over other mouse designs which do not provide massage therapy.

However, Muir has a few drawbacks that are not immediately apparent. Specifically, it has a requirement for the person to either use a switch to activate the massage element or to continue to move the mouse to keep the massage element on. In addition, it does not provide any mechanism to allow a user to use the mouse without being in contact with the massage element. The inventor has overcome these drawbacks of Muir in ways that would not be obvious to one of ordinary skill in the art, even in view of Schena, Chen, and all the references of record. In particular, the inventor has shown a cover design that is detachable from the mouse housing (see figures 5 and 6 of the application) which is specifically designed to cover up the massage element, but not to impede use of the mouse. In addition, the inventor has used a light sensor to allow the massage feature to be engaged whenever the person's hand is on the mouse (whether or not the mouse is moving) and not engaged when the person's hand or cover is not on the mouse. The Schena device does not contemplate a device for turning on an element selectively. Rather, Schena shows a device geared solely to turning off an element if a person's hand is not present. The Chen device contemplates a sheath to add styling to a mouse, but in no way suggests a device which has a particular function of covering a particular element such as a massage feature. In view of this, claims 26-31 would not be obvious to one of ordinary skill in the art.

Claim 32 has been rejected as being obvious over the Muir, Chen, and Schena combination further in view of U.S. Patent 3,967,617 to Krolik, and Claim 33 has been rejected as being obvious over a Muir, Chen, Schena and Krolik combination further in view of U.S. Patent 4,495,560 to Sugimoto. Both rejections are traversed. As is recognized in the office action, neither Krolik or Sugimoto are related to the mouse combination proposed by the Examiner, and are being relied on for their teachings in electronics. As such, neither reference makes up for the deficiencies of the Muir, Chen, and Schena combination. Thus, claims 32 and 33 should also be found new and unobvious.

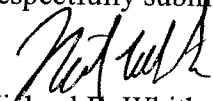
Reconsideration and allowance of claims 26-33 at an early date is requested.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone

number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael E. Whitham", is written over the typed name.

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